

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SARLA SINGH,

Plaintiff,

v.

JOANN B. BARNHART,

Defendant.

No. C 05-04668 JSW

**SECOND ORDER TO SHOW
CAUSE WHY CASE SHOULD
NOT BE DISMISSED**

Now pending before the Court is the motion filed by the Commissioner of the Social Security Administration to dismiss Plaintiff's complaint on the grounds that Plaintiff failed to exhaust her administrative remedies. Plaintiff did not file an opposition to the Commissioner's motion. On August 16, 2006, the Court issued an Order to Show Cause why Plaintiff's case should not be dismissed (1) on the grounds that she has failed to properly prosecute this matter; and (2) on the grounds raised by the Defendants' motion to dismiss. The Court ordered Plaintiff shall file a written response to this Order and serve it on Defendant by no later than September 15, 2006 and advised the Plaintiff that failure to respond and to properly prosecute her case may result in sanctions, including dismissal of her case.

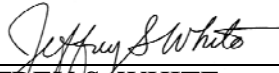
On September 15, 2006, Plaintiff filed a document captioned "Plaintiff's Response to Order to Show Cause." In this document, Plaintiff asserts that she is entitled to Social Security benefits, but does not address the Commissioner's argument that this action should be dismissed based on Plaintiff's failure to exhaust her administrative remedies. The Court will provide Plaintiff with one last opportunity to file a written response to the Commissioner's motion to dismiss. Plaintiff shall file a written response to the Commissioner's motion to dismiss and serve it on Defendant by no later than December 1, 2006. Plaintiff is advised that if she fails to

1 file an opposition to the Commissioner's motion, the Court will grant the motion based on the
2 Commissioner's papers and dismiss this action.

3 If Plaintiff files an opposition to the pending motion to dismiss by December 1, 2006,
4 the Commissioner shall file its reply, if any, by no later than December 15, 2006.

5 **IT IS SO ORDERED.**

6 Dated: November 1, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE